

Governance Local Law 2021
Local Law Community Impact Statement
MACEDON RANGES SHIRE COUNCIL

Governance Local Law 2021

The following information is provided to the community in relation to the introduction of proposed Governance Local Law 2021 and in compliance with the *Local Government Act 1989* (LGA 1989).

Introduction

Council is proposing to revoke the current Meeting Procedure Local Law No.11 and to make the Governance Local Law 2021 in response to its adoption of Council's Governance Rules on 26 August 2020 in accordance with the *Local Government Act 2020* (LGA 2020).

This Community Impact Statement has been prepared to inform the community about the proposed Local Law and to assist any member of the public who may wish to make a submission to Council during the community consultation process required by the LGA 1989.

Background

The Governance Rules are now the key source of rules in relation to Council meetings. The matters covered by the Governance Rules no longer need to be specified in a local law. However, there is a need to have a local law which covers the use of Council's common seal and sets out enforceable penalties for offences relating to the common seal and to Council meetings.

Accordingly, Council officers seek to revoke the Meeting Procedure Local Law No.11 and adopt the proposed Governance Local Law 2021.

Overview of Amending Local Law

The objectives of the proposed Governance Local Law 2021 are to:

- Revoke the existing Meeting Procedure Local Law No.11
- Make improvements to provide consistency with Council's Governance Rules
- Regulate the use of Council's common seal
- Set penalties for certain conduct in relation to Council meetings

Under Council's Community Engagement Policy and the LGA 1989, Council is required to publish its intention to make a local law and invite members of the public to make

submissions in reference to the proposed local law. The statutory consultation period will be active for 28 days. The statutory consultation period will run from 9.00 am on 25 March 2021 to 5.00 pm on 21 April 2021.

Anyone who makes a written submission can request to be heard in support of their submission at the Submitters Committee Meeting scheduled on 14 May 2021.

A copy of the Amending Local Law is attached (**Attachment 1**) to this Community Impact Statement.

Evaluation of the amending Local Law

In accordance with the Guidelines issued by the Minister for Local Government in relation to the making of local laws, Council has conducted an evaluation outlined in the following table.

Issue	Evaluation
Legislative Framework	<p>The LGA 2020 gives Council broad powers to make local laws with respect to any function or power of the council.</p> <p>The proposed Governance Local Law 2021 addresses matters within Council's broad functions and powers.</p>
State legislation more appropriate	State legislation compels Council to make Local Laws to address issues within its municipality. In developing the proposed Local Law, Council has not sought to address any issues which it feels are best addressed at the State or Federal level.
Overlap with existing legislation	Council is satisfied that the provisions of the proposed Local Law supplement the state legislation without duplicating, overlapping or creating any inconsistency.
Planning Scheme	Council does not believe that any clause of the proposed Local Law overlaps with, duplicates or creates any inconsistency with the Planning Scheme.
Legislative Approach	Council has sought to ensure that the offences created by the proposed Local Law are necessary and appropriate and that the penalties imposed are proportionate to the seriousness of the offences.
Performance Standards or Prescriptive Details	Not relevant.
Risk Assessment	No formal risk assessment has been undertaken, but Council does not consider that there are any risks associated with the proposed Local Law.
Measures of Success	The success of the proposed Local Law will be measured by:

	<ul style="list-style-type: none"> the extent to which it is able to be clearly understood and applied whether it is legally enforceable
Permits and Fees	The proposed Local Law does affect any permit conditions or existing fees or impose any new fees.
Penalties	The proposed Local Law contains 10 offences attracting the imposition of penalties between 1 and 5 penalty units. The value of a penalty unit at 1 January 2021 is \$165.22. Council is satisfied that the penalties will act as a deterrent and that they are reasonable amounts to impose in relation to the offences specified.
Restriction of competition	Not relevant.
Comparison with other Councils	In drafting the Local Law, similar Local Laws from a number of like and neighbouring councils were benchmarked to assess similarities and differences and ensure a reasonable degree of consistency in content, approach and penalties.
Charter of Human Rights	<p>The Charter of <i>Human Rights and Responsibilities Act 2006 (Charter)</i> contains 20 basic rights that promote and protect the values of freedom, respect, equality and dignity. Councils must not knowingly breach of these rights and must always consider them when they create laws, develop policies and deliver services.</p> <p>The proposed Local Law has been reviewed for the compatibility with the Charter and is considered to be compatible with the Charter.</p>
Community Consultation	The proposed Local Law has been reviewed in consultation with Councillors and members of Council staff. Community consultation will occur as set out in this document.